

107TH CONGRESS  
2D SESSION

# S. 2712

To authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

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IN THE SENATE OF THE UNITED STATES

JULY 9, 2002

Mr. HAGEL introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; DEFINI-**  
4       **TION.**

5       (a) SHORT TITLE.—This Act may be cited as the  
6       “Afghanistan Freedom Support Act of 2002”.

7       (b) TABLE OF CONTENTS.—The table of contents for  
8       this Act is as follows:

Sec. 1. Short title; table of contents; definition.

TITLE I—ECONOMIC AND DEMOCRATIC DEVELOPMENT  
ASSISTANCE FOR AFGHANISTAN

- Sec. 101. Declaration of policy.
- Sec. 102. Purposes of assistance.
- Sec. 103. Principles of assistance.
- Sec. 104. Authorization of assistance.
- Sec. 105. Coordination of assistance.
- Sec. 106. Administrative provisions.
- Sec. 107. Authorization of appropriations.

TITLE II—MILITARY ASSISTANCE FOR AFGHANISTAN AND CER-  
TAIN OTHER FOREIGN COUNTRIES AND INTERNATIONAL OR-  
GANIZATIONS

- Sec. 201. Support for security during transition in Afghanistan.
- Sec. 202. Authorization of assistance.
- Sec. 203. Eligible foreign countries and eligible international organizations.
- Sec. 204. Reimbursement for assistance.
- Sec. 205. Authority to provide assistance.
- Sec. 206. Promoting secure delivery of humanitarian and other assistance in  
Afghanistan.
- Sec. 207. Sunset.

TITLE III—ADDITIONAL REQUIREMENTS WITH RESPECT TO  
ASSISTANCE FOR AFGHANISTAN

- Sec. 301. Prohibition on United States involvement in poppy cultivation or il-  
licit narcotics growth, production, or trafficking.
- Sec. 302. Requirement to report by certain United States officials.
- Sec. 303. Report by the President.

1           (c) DEFINITION.—In this Act, the term “Government  
2 of Afghanistan” includes—

3                   (1) the government of any political subdivision  
4                   of Afghanistan; and

5                   (2) any agency or instrumentality of the Gov-  
6                   ernment of Afghanistan.

7 **TITLE I—ECONOMIC AND DEMO-**  
8 **CRATIC DEVELOPMENT AS-**  
9 **SISTANCE FOR AFGHANISTAN**

10 **SEC. 101. DECLARATION OF POLICY.**

11           Congress makes the following declarations:

1           (1) The United States and the international  
2       community should support efforts that advance the  
3       development of democratic civil authorities and insti-  
4       tutions in Afghanistan and the establishment of a  
5       new broad-based, multi-ethnic, gender-sensitive, and  
6       fully representative government in Afghanistan.

7           (2) The United States, in particular, should  
8       provide its expertise to meet immediate humani-  
9       tarian and refugee needs, fight the production and  
10      flow of illicit narcotics, and aid in the reconstruction  
11      of Afghanistan's agriculture, health care, civil serv-  
12      ice, financial, and educational systems.

13          (3) By promoting peace and security in Afghan-  
14      istan and preventing a return to conflict, the United  
15      States and the international community can help en-  
16      sure that Afghanistan does not again become a  
17      source for international terrorism.

18          (4) The United States should support the objec-  
19      tives agreed to on December 5, 2001, in Bonn, Ger-  
20      many, regarding the provisional arrangement for Af-  
21      ghanistan as it moves toward the establishment of  
22      permanent institutions and, in particular, should  
23      work intensively toward ensuring the future neu-  
24      trality of Afghanistan, establishing the principle that  
25      neighboring countries and other countries in the re-

1       gion do not threaten or interfere in one another's  
2       sovereignty, territorial integrity, or political inde-  
3       pendence, including supporting diplomatic initiatives  
4       to support this goal.

5           (5) The special emergency situation in Afghani-  
6       stan, which from the perspective of the American  
7       people combines security, humanitarian, political,  
8       law enforcement, and development imperatives, re-  
9       quires that the President should receive maximum  
10      flexibility in designing, coordinating, and admin-  
11      istering efforts with respect to assistance for Af-  
12      ghanistan and that a temporary special program of  
13      such assistance should be established for this pur-  
14      pose.

15          (6) To foster stability and democratization and  
16      to effectively eliminate the causes of terrorism, the  
17      United States and the international community  
18      should also support efforts that advance the develop-  
19      ment of democratic civil authorities and institutions  
20      in the broader Central Asia region.

21   **SEC. 102. PURPOSES OF ASSISTANCE.**

22      The purposes of assistance authorized by this title  
23   are—

24          (1) to help assure the security of the United  
25      States and the world by reducing or eliminating the

1       likelihood of violence against United States or allied  
2       forces in Afghanistan and to reduce the chance that  
3       Afghanistan will again be a source of international  
4       terrorism;

5           (2) to support the continued efforts of the  
6       United States and the international community to  
7       address the humanitarian crisis in Afghanistan and  
8       among Afghan refugees in neighboring countries;

9           (3) to fight the production and flow of illicit  
10      narcotics, to control the flow of precursor chemicals  
11      used in the production of heroin, and to enhance and  
12      bolster the capacities of Afghan governmental au-  
13      thorities to control poppy cultivation and related ac-  
14      tivities;

15          (4) to help achieve a broad-based, multi-ethnic,  
16      gender-sensitive, and fully representative government  
17      in Afghanistan that is freely chosen by the people of  
18      Afghanistan and that respects the human rights of  
19      all Afghans, particularly women, including author-  
20      izing assistance for the rehabilitation and recon-  
21      struction of Afghanistan with a particular emphasis  
22      on meeting the educational, health, and sustenance  
23      needs of women and children to better enable their  
24      full participation in Afghan society;

1           (5) to support the Government of Afghanistan  
2           in its development of the capacity to facilitate, orga-  
3           nize, develop, and implement projects and activities  
4           that meet the needs of the Afghan people;

5           (6) to foster the participation of civil society in  
6           the establishment of the new Afghan government in  
7           order to achieve a broad-based, multiethnic, gender-  
8           sensitive, fully representative government freely cho-  
9           sen by the Afghan people, without prejudice to any  
10          decisions which may be freely taken by the Afghan  
11          people about the precise form in which their govern-  
12          ment is to be organized in the future;

13          (7) to support the reconstruction of Afghani-  
14          stan through, among other things, programs that  
15          create jobs, facilitate clearance of landmines, and re-  
16          build the agriculture sector, the health care system,  
17          and the educational system of Afghanistan; and

18          (8) to include specific resources to the Ministry  
19          for Women's Affairs of Afghanistan to carry out its  
20          responsibilities for legal advocacy, education, voca-  
21          tional training, and women's health programs.

22 **SEC. 103. PRINCIPLES OF ASSISTANCE.**

23          The following principles should guide the provision of  
24          assistance authorized by this title:

1           (1) TERRORISM AND NARCOTICS CONTROL.—

2       Assistance should be designed to reduce the likeli-  
3       hood of harm to United States and other allied  
4       forces in Afghanistan and the region, the likelihood  
5       of additional acts of international terrorism ema-  
6       nating from Afghanistan, and the cultivation, pro-  
7       duction, trafficking, and use of illicit narcotics in Af-  
8       ghanistan.

9           (2) ROLE OF WOMEN.—Assistance should in-  
10      crease the participation of women at the national,  
11      regional, and local levels in Afghanistan, wherever  
12      feasible, by enhancing the role of women in decision-  
13      making processes, as well as by providing support  
14      for programs that aim to expand economic and edu-  
15      cational opportunities and health programs for  
16      women and educational and health programs for  
17      girls.

18          (3) AFGHAN OWNERSHIP.—Assistance should  
19      build upon Afghan traditions and practices. The  
20      strong tradition of community responsibility and  
21      self-reliance in Afghanistan should be built upon to  
22      increase the capacity of the Afghan people and insti-  
23      tutions to participate in the reconstruction of Af-  
24      ghanistan.

1           (4) STABILITY.—Assistance should encourage  
2           the restoration of security in Afghanistan, including,  
3           among other things, the disarmament, demobiliza-  
4           tion, and reintegration of combatants, and the estab-  
5           lishment of the rule of law, including the establish-  
6           ment of a police force and an effective, independent  
7           judiciary.

8           (5) COORDINATION.—Assistance should be part  
9           of a larger donor effort for Afghanistan. The mag-  
10          nitude of the devastation—natural and man-made—  
11          to institutions and infrastructure make it imperative  
12          that there be close coordination and collaboration  
13          among donors. The United States should endeavor  
14          to assert its leadership to have the efforts of inter-  
15          national donors help achieve the purposes estab-  
16          lished by this title.

17 **SEC. 104. AUTHORIZATION OF ASSISTANCE.**

18          (a) IN GENERAL.—The President is authorized to  
19          provide assistance for Afghanistan for the following activi-  
20          ties:

21               (1) URGENT HUMANITARIAN NEEDS.—To assist  
22               in meeting the urgent humanitarian needs of the  
23               people of Afghanistan, including assistance such  
24               as—



1 (A) emergency food, shelter, and medical  
2 assistance;

3 (B) clean drinking water and sanitation;

4 (C) preventative health care, including  
5 childhood vaccination, therapeutic feeding, ma-  
6 ternal child health services, and infectious dis-  
7 eases surveillance and treatment;

8 (D) family tracing and reunification serv-  
9 ices; and

10 (E) clearance of landmines.

11 (2) REPATRIATION AND RESETTLEMENT OF  
12 REFUGEES AND INTERNALLY DISPLACED PER-  
13 SONS.—To assist refugees and internally displaced  
14 persons as they return to their home communities in  
15 Afghanistan and to support their reintegration into  
16 those communities, including assistance such as—

17 (A) assistance identified in paragraph (1);

18 (B) assistance to communities, including  
19 those in neighboring countries, that have taken  
20 in large numbers of refugees in order to reha-  
21 bilitate or expand social, health, and edu-  
22 cational services that may have suffered as a  
23 result of the influx of large numbers of refu-  
24 gees;

1 (C) assistance to international organiza-  
2 tions and host governments in maintaining se-  
3 curity by screening refugees to ensure the ex-  
4 clusion of armed combatants, members of for-  
5 eign terrorist organizations, and other individ-  
6 uals not eligible for economic assistance from  
7 the United States; and

8 (D) assistance for voluntary refugee repa-  
9 triation and reintegration inside Afghanistan  
10 and continued assistance to those refugees who  
11 are unable or unwilling to return, and humani-  
12 tarian assistance to internally displaced per-  
13 sons, including those persons who need assist-  
14 ance to return to their homes, through the  
15 United Nations High Commissioner for Refu-  
16 gees and other organizations charged with pro-  
17 viding such assistance.

18 (3) COUNTERNARCOTICS EFFORTS.—(A) To as-  
19 sist in the eradication of poppy cultivation, the dis-  
20 ruption of heroin production, and the reduction of  
21 the overall supply and demand for illicit narcotics in  
22 Afghanistan and the region, with particular empha-  
23 sis on assistance to—

24 (i) eradicate opium poppy, establish crop  
25 substitution programs, purchase nonopium

1 products from farmers in opium-growing areas,  
2 quick-impact public works programs to divert  
3 labor from narcotics production, develop  
4 projects directed specifically at narcotics pro-  
5 duction, processing, or trafficking areas to pro-  
6 vide incentives to cooperation in narcotics sup-  
7 pression activities, and related programs;

8 (ii) establish or provide assistance to one  
9 or more entities within the Government of Af-  
10 ghanistan, including the Afghan State High  
11 Commission for Drug Control, and to provide  
12 training and equipment for the entities, to help  
13 enforce counternarcotics laws in Afghanistan  
14 and limit illicit narcotics growth, production,  
15 and trafficking in Afghanistan;

16 (iii) train and provide equipment for cus-  
17 toms, police, and other border control entities in  
18 Afghanistan and the region relating to illicit  
19 narcotics interdiction and relating to precursor  
20 chemical controls and interdiction to help dis-  
21 rupt heroin production in Afghanistan and the  
22 region;

23 (iv) continue the annual opium crop survey  
24 and strategic studies on opium crop planting  
25 and farming in Afghanistan; and

1           (v) reduce demand for illicit narcotics  
2           among the people of Afghanistan, including ref-  
3           ugees returning to Afghanistan.

4           (B) For each of the fiscal years 2002 through  
5           2005, \$15,000,000 of the amount made available to  
6           carry out this title is authorized to be made available  
7           for a contribution to the United Nations Drug Con-  
8           trol Program for the purpose of carrying out activi-  
9           ties described in clauses (i) through (v) of subpara-  
10          graph (A). Amounts made available under the pre-  
11          ceding sentence are in addition to amounts otherwise  
12          available for such purposes.

13          (4) REESTABLISHMENT OF FOOD SECURITY,  
14          REHABILITATION OF THE AGRICULTURE SECTOR,  
15          IMPROVEMENT IN HEALTH CONDITIONS, AND THE  
16          RECONSTRUCTION OF BASIC INFRASTRUCTURE.—To  
17          assist in expanding access to markets in Afghani-  
18          stan, to increase the availability of food in markets  
19          in Afghanistan, to rehabilitate the agriculture sector  
20          in Afghanistan by creating jobs for former combat-  
21          ants, returning refugees, and internally displaced  
22          persons, to improve health conditions, and assist in  
23          the rebuilding of basic infrastructure in Afghanistan,  
24          including assistance such as—

1 (A) rehabilitation of the agricultural infra-  
2 structure, including irrigation systems and  
3 rural roads;

4 (B) extension of credit;

5 (C) provision of critical agricultural inputs,  
6 such as seeds, tools, and fertilizer, and  
7 strengthening of seed multiplication, certifi-  
8 cation, and distribution systems;

9 (D) improvement in the quantity and qual-  
10 ity of water available through, among other  
11 things, rehabilitation of existing irrigation sys-  
12 tems and the development of local capacity to  
13 manage irrigation systems;

14 (E) livestock rehabilitation through market  
15 development and other mechanisms to dis-  
16 tribute stocks to replace those stocks lost as a  
17 result of conflict or drought;

18 (F) mine awareness and demining pro-  
19 grams and programs to assist mine victims, war  
20 orphans, and widows;

21 (G) programs relating to infant and young  
22 child feeding, immunizations, vitamin A sup-  
23 plementation, and prevention and treatment of  
24 diarrheal diseases and respiratory infections;

1 (H) programs to improve maternal and  
 2 child health and reduce maternal and child  
 3 mortality;

4 (I) programs to improve hygienic and sani-  
 5 tation practices and for the prevention and  
 6 treatment of infectious diseases, such as tuber-  
 7 culosis and malaria;

8 (J) programs to reconstitute the delivery of  
 9 health care, including the reconstruction of  
 10 health clinics or other basic health infrastruc-  
 11 ture, with particular emphasis on health care  
 12 for children who are orphans;

13 (K) programs for housing, rebuilding  
 14 urban infrastructure, and supporting basic  
 15 urban services; and

16 (L) disarmament, demobilization, and re-  
 17 integration of armed combatants into society,  
 18 particularly child soldiers.

19 (5) REESTABLISHMENT OF AFGHANISTAN AS A  
 20 VIABLE NATION-STATE.—(A) To assist in the devel-  
 21 opment of the capacity of the Government of Af-  
 22 ghanistan to meet the needs of the people of Afghan-  
 23 istan through, among other things, support for the  
 24 development and expansion of democratic and mar-

1 ket-based institutions, including assistance such  
2 as—

3 (i) support for international organizations  
4 that provide civil advisers to the Government of  
5 Afghanistan;

6 (ii) support for an educated citizenry  
7 through improved access to basic education,  
8 with particular emphasis on basic education for  
9 children who are orphans, with particular em-  
10 phasis on basic education for children;

11 (iii) programs to enable the Government of  
12 Afghanistan to recruit and train teachers, with  
13 special focus on the recruitment and training of  
14 female teachers;

15 (iv) programs to enable the Government of  
16 Afghanistan to develop school curriculum that  
17 incorporates relevant information such as land-  
18 mine awareness, food security and agricultural  
19 education, human rights awareness, and civic  
20 education;

21 (v) support for the activities of the Govern-  
22 ment of Afghanistan to draft a new constitu-  
23 tion, other legal frameworks, and other initia-  
24 tives to promote the rule of law in Afghanistan;

1           (vi) support to increase the transparency,  
2           accountability, and participatory nature of gov-  
3           ernmental institutions, including programs de-  
4           signed to combat corruption and other pro-  
5           grams for the promotion of good governance;

6           (vii) support for an independent media;

7           (viii) programs that support the expanded  
8           participation of women and members of all eth-  
9           nic groups in government at national, regional,  
10          and local levels;

11          (ix) programs to strengthen civil society or-  
12          ganizations that promote human rights and  
13          support human rights monitoring;

14          (x) support for national, regional, and local  
15          elections and political party development;

16          (xi) support for the effective administra-  
17          tion of justice at the national, regional, and  
18          local levels, including the establishment of a re-  
19          sponsible and community-based police force;  
20          and

21          (xii) support for establishment of a central  
22          bank and central budgeting authority.

23          (B) For each of the fiscal years 2003 through  
24          2005, not less than \$10,000,000 of the amount  
25          made available to carry out this title should be made



1 available for the purposes of carrying out a tradi-  
2 tional Afghan assembly or “Loya Jirga” and for  
3 support for national, regional, and local elections  
4 and political party development under subparagraph  
5 (A)(x).

6 (6) MARKET ECONOMY.—To support the estab-  
7 lishment of a market economy, the establishment of  
8 private financial institutions, the adoption of policies  
9 to promote foreign direct investment, the develop-  
10 ment of a basic telecommunication infrastructure,  
11 and the development of trade and other commercial  
12 links with countries in the region and with the  
13 United States, including policies to—

14 (A) encourage the return of Afghanistan  
15 citizens or nationals living abroad who have  
16 marketable and business-related skills;

17 (B) establish financial institutions, includ-  
18 ing credit unions, cooperatives, and other enti-  
19 ties providing microenterprise credits and other  
20 income-generation programs for the poor, with  
21 particular emphasis on women;

22 (C) facilitate expanded trade with coun-  
23 tries in the region;

1 (D) promote and foster respect for basic  
 2 workers' rights and protections against exploi-  
 3 tation of child labor; and

4 (E) provide financing programs for the re-  
 5 construction of Kabul and other major cities in  
 6 Afghanistan.

7 (b) LIMITATION.—

8 (1) IN GENERAL.—Amounts made available to  
 9 carry out this title (except amounts made available  
 10 for assistance under paragraphs (1) through (3) and  
 11 subparagraphs (F) through (I) of paragraph (4) of  
 12 subsection (a)) may be provided only if the President  
 13 first determines and certifies to Congress with re-  
 14 spect to the fiscal year involved that substantial  
 15 progress has been made toward adopting a constitu-  
 16 tion and establishing a democratically elected gov-  
 17 ernment for Afghanistan.

18 (2) WAIVER.—

19 (A) IN GENERAL.—The President may  
 20 waive the application of paragraph (1) if the  
 21 President first determines and certifies to Con-  
 22 gress that it is important to the national inter-  
 23 est of the United States to do so.

24 (B) CONTENTS OF CERTIFICATION.—A  
 25 certification transmitted to Congress under sub-

1 paragraph (A) shall include a written expla-  
2 nation of the basis for the determination of the  
3 President to waive the application of paragraph  
4 (1).

5 **SEC. 105. COORDINATION OF ASSISTANCE.**

6 (a) IN GENERAL.—The President is strongly urged  
7 to designate, within the Department of State, a coordi-  
8 nator who shall be responsible for—

9 (1) designing an overall strategy to advance  
10 United States interests in Afghanistan;

11 (2) ensuring program and policy coordination  
12 among agencies of the United States Government in  
13 carrying out the policies set forth in this title;

14 (3) pursuing coordination with other countries  
15 and international organizations with respect to as-  
16 sistance to Afghanistan;

17 (4) ensuring that United States assistance pro-  
18 grams for Afghanistan are consistent with this title;

19 (5) ensuring proper management, implementa-  
20 tion, and oversight by agencies responsible for as-  
21 sistance programs for Afghanistan; and

22 (6) resolving policy and program disputes  
23 among United States Government agencies with re-  
24 spect to United States assistance for Afghanistan.

1 (b) RANK AND STATUS OF THE COORDINATOR.—The  
2 coordinator designated under subsection (a) shall have the  
3 rank and status of ambassador.

4 **SEC. 106. ADMINISTRATIVE PROVISIONS.**

5 (a) APPLICABLE ADMINISTRATIVE AUTHORITIES.—  
6 Except to the extent inconsistent with the provisions of  
7 this title, the administrative authorities under chapters 1  
8 and 2 of part III of the Foreign Assistance Act of 1961  
9 shall apply to the provision of assistance under this title  
10 to the same extent and in the same manner as such au-  
11 thorities apply to the provision of economic assistance  
12 under part I of such Act.

13 (b) USE OF THE EXPERTISE OF AFGHAN-AMERI-  
14 CANS.—In providing assistance authorized by this title,  
15 the President should—

16 (1) maximize the use, to the extent feasible, of  
17 the services of Afghan-Americans who have expertise  
18 in the areas for which assistance is authorized by  
19 this title; and

20 (2) in the awarding of contracts and grants to  
21 implement activities authorized under this title, en-  
22 courage the participation of such Afghan-Americans  
23 (including organizations employing a significant  
24 number of such Afghan-Americans).

1 (c) DONATIONS OF MANUFACTURING EQUIPMENT;  
2 USE OF LAND GRANT COLLEGES AND UNIVERSITIES.—

3 In providing assistance authorized by this title, the Presi-  
4 dent, to the maximum extent practicable, should—

5 (1) encourage the donation of appropriate ex-  
6 cess or obsolete manufacturing and related equip-  
7 ment by United States businesses (including small  
8 businesses) for the reconstruction of Afghanistan;  
9 and

10 (2) utilize research conducted by United States  
11 land grant colleges and universities and the technical  
12 expertise of professionals within those institutions,  
13 particularly in the areas of agriculture and rural de-  
14 velopment.

15 (d) ADMINISTRATIVE EXPENSES.—Not more than 5  
16 percent of the amount made available to a Federal depart-  
17 ment or agency to carry out this title for a fiscal year  
18 may be used by the department or agency for administra-  
19 tive expenses in connection with such assistance.

20 (e) MONITORING.—

21 (1) COMPTROLLER GENERAL.—The Comp-  
22 troller General shall monitor the provision of assist-  
23 ance under this title.

24 (2) INSPECTOR GENERAL OF USAID.—

1 (A) IN GENERAL.—The Inspector General  
 2 of the United States Agency for International  
 3 Development shall conduct audits, inspections,  
 4 and other activities, as appropriate, associated  
 5 with the expenditure of the funds to carry out  
 6 this title.

7 (B) FUNDING.—Not more than  
 8 \$1,500,000 of the amount made available to  
 9 carry out this title for a fiscal year shall be  
 10 made available to carry out subparagraph (A).

11 (f) CONGRESSIONAL NOTIFICATION PROCEDURES.—  
 12 Funds made available to carry out this title may not be  
 13 obligated until 15 days after notification of the proposed  
 14 obligation of the funds has been provided to the congres-  
 15 sional committees specified in section 634A of the Foreign  
 16 Assistance Act of 1961 in accordance with the procedures  
 17 applicable to reprogramming notifications under that sec-  
 18 tion.

19 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—There are authorized to be appro-  
 21 priated to the President to carry out this title  
 22 \$300,000,000 for each of the fiscal years 2002 through  
 23 2004, and \$250,000,000 for fiscal year 2005. Amounts  
 24 authorized to be appropriated pursuant to the preceding

1 sentence for fiscal year 2002 are in addition to amounts  
2 otherwise available for assistance for Afghanistan.

3 (b) AVAILABILITY.—Amounts appropriated pursuant  
4 to the authorization of appropriations under subsection (a)  
5 are—

6 (1) authorized to remain available until ex-  
7 pended; and

8 (2) in addition to funds otherwise available for  
9 such purposes, including, with respect to food assist-  
10 ance under section 104(a)(1), funds available under  
11 title II of the Agricultural Trade Development and  
12 Assistance Act of 1954, the Food for Progress Act  
13 of 1985, and section 416(b) of the Agricultural Act  
14 of 1949.

15 **TITLE II—MILITARY ASSISTANCE**  
16 **FOR AFGHANISTAN AND CER-**  
17 **TAIN OTHER FOREIGN COUN-**  
18 **TRIES AND INTERNATIONAL**  
19 **ORGANIZATIONS**

20 **SEC. 201. SUPPORT FOR SECURITY DURING TRANSITION IN**  
21 **AFGHANISTAN.**

22 It is the sense of Congress that, during the transition  
23 to a broad-based, multi-ethnic, gender-sensitive, fully rep-  
24 resentative government in Afghanistan, the United States  
25 should support—

1           (1) the development of a civilian-controlled and  
2           centrally-governed standing Afghanistan army that  
3           respects human rights and prohibits the use of chil-  
4           dren as soldiers or combatants;

5           (2) the creation and training of a professional  
6           civilian police force that respects human rights; and

7           (3) a multinational security force in Afghani-  
8           stan.

9   **SEC. 202. AUTHORIZATION OF ASSISTANCE.**

10   (a) TYPES OF ASSISTANCE.—

11           (1) IN GENERAL.—(A) To the extent that funds  
12           are appropriated in any fiscal year for the purposes  
13           of this Act, the President may provide, consistent  
14           with existing United States statutes, defense arti-  
15           cles, defense services, counter-narcotics, crime con-  
16           trol and police training services, and other support  
17           (including training) to the Government of Afghani-  
18           stan.

19           (B) To the extent that funds are appropriated  
20           in any fiscal year for these purposes, the President  
21           may provide, consistent with existing United States  
22           statutes, defense articles, defense services, and other  
23           support (including training) to eligible foreign coun-  
24           tries and eligible international organizations.



1 (C) The assistance authorized under subpara-  
2 graph (B) shall be used for directly supporting the  
3 activities described in section 203.

4 (2) DRAWDOWN AUTHORITY.—The President is  
5 authorized to direct the drawdown of defense arti-  
6 cles, defense services, and military education and  
7 training for the Government of Afghanistan, eligible  
8 foreign countries, and eligible international organiza-  
9 tions.

10 (3) AUTHORITY TO ACQUIRE BY CONTRACT OR  
11 OTHERWISE.—The assistance authorized under  
12 paragraphs (1) and (2) and under Public Law 105–  
13 338 may include the supply of defense articles, de-  
14 fense services, counter-narcotics, crime control and  
15 police training services, other support, and military  
16 education and training that are acquired by contract  
17 or otherwise.

18 (b) AMOUNT OF ASSISTANCE.—The aggregate value  
19 (as defined in section 644(m) of the Foreign Assistance  
20 Act of 1961) of assistance provided under subsection  
21 (a)(2) may not exceed \$300,000,000, provided that such  
22 limitation shall be increased by any amounts appropriated  
23 pursuant to the authorization of appropriations in section  
24 204(b)(1).

1 **SEC. 203. ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE**  
2 **INTERNATIONAL ORGANIZATIONS.**

3 (a) **ELIGIBILITY FOR ASSISTANCE.**—

4 (1) **IN GENERAL.**—Except as provided in para-  
5 graph (2), a foreign country or international organi-  
6 zation shall be eligible to receive assistance under  
7 section 202 if such foreign country or international  
8 organization is participating in or directly sup-  
9 porting United States military activities authorized  
10 under Public Law 107–40 or is participating in mili-  
11 tary, peacekeeping, or policing operations in Afghan-  
12 istan aimed at restoring or maintaining peace and  
13 security in that country.

14 (2) **EXCEPTION.**—No country the government  
15 of which has been determined by the Secretary of  
16 State to have repeatedly provided support for acts of  
17 international terrorism under section 620A of the  
18 Foreign Assistance Act of 1961 (22 U.S.C. 2371),  
19 section 6(j)(1) of the Export Administration Act of  
20 1979 (50 U.S.C. App. 2405(j)(1)), or section 40(d)  
21 of the Arms Export Control Act (22 U.S.C.  
22 2780(d)) shall be eligible to receive assistance under  
23 section 202.

24 (b) **WAIVER.**—The President may waive the applica-  
25 tion of subsection (a)(2) if the President determines that

1 it is important to the national security interest of the  
2 United States to do so.

3 **SEC. 204. REIMBURSEMENT FOR ASSISTANCE.**

4 (a) IN GENERAL.—Defense articles, defense services,  
5 and military education and training provided under sec-  
6 tion 202(a)(2) shall be made available without reimburse-  
7 ment to the Department of Defense except to the extent  
8 that funds are appropriated pursuant to the authorization  
9 of appropriations in subsection (b)(1).

10 (b) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) IN GENERAL.—There are authorized to be  
12 appropriated to the President such sums as may be  
13 necessary to reimburse the applicable appropriation,  
14 fund, or account for the value (as defined in section  
15 644(m) of the Foreign Assistance Act of 1961) of  
16 defense articles, defense services, or military edu-  
17 cation and training provided under section  
18 202(a)(2).

19 (2) AVAILABILITY.—Amounts appropriated pur-  
20 suant to the authorization of appropriations under  
21 paragraph (1) are authorized to remain available  
22 until expended, and are in addition to amounts oth-  
23 erwise available for the purposes described in this  
24 title.

1 **SEC. 205. ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE**  
2 **INTERNATIONAL ORGANIZATIONS.**

3 (a) **AUTHORITY.**—The President may provide assist-  
4 ance under this title to any eligible foreign country or eli-  
5 gible international organization if the President deter-  
6 mines that such assistance is important to the national  
7 security interest of the United States and notifies the  
8 Committee on International Relations of the House of  
9 Representatives and the Committee on Foreign Relations  
10 of the Senate of such determination at least 15 days in  
11 advance of providing such assistance.

12 (b) **NOTIFICATION.**—The report described in sub-  
13 section (a) shall be submitted in classified and unclassified  
14 form and shall include information relating to the type and  
15 amount of assistance proposed to be provided and the ac-  
16 tions that the proposed recipient of such assistance has  
17 taken or has committed to take.

18 **SEC. 206. PROMOTING SECURE DELIVERY OF HUMANI-**  
19 **TARIAN AND OTHER ASSISTANCE IN AFGHAN-**  
20 **ISTAN.**

21 (a) **FINDINGS.**—Congress finds the following:

22 (1) The President has declared his view that  
23 the United States should provide significant assist-  
24 ance to Afghanistan so that it never again becomes  
25 a haven for terrorism.

1           (2) The delivery of humanitarian and recon-  
2           struction assistance from the international commu-  
3           nity is necessary for the safe return of refugees and  
4           is critical to the future stability of Afghanistan.

5           (3) Enhanced stability in Afghanistan through  
6           an improved security environment is critical to the  
7           fostering of the Afghan Interim Authority and the  
8           traditional Afghan assembly or “Loya Jirga” proc-  
9           ess, which is intended to lead to a permanent na-  
10          tional government in Afghanistan, and also is essen-  
11          tial for the participation of women in Afghan soci-  
12          ety.

13          (4) Incidents of violence between armed factions  
14          and local and regional commanders, and serious  
15          abuses of human rights, including attacks on women  
16          and ethnic minorities throughout Afghanistan, cre-  
17          ate an insecure, volatile, and unsafe environment in  
18          parts of Afghanistan, displacing thousands of Af-  
19          ghan civilians from their local communities.

20          (5) The violence and lawlessness may jeopardize  
21          the “Loya Jirga” process, undermine efforts to build  
22          a strong central government, severely impede recon-  
23          struction and the delivery of humanitarian assist-  
24          ance, and increase the likelihood that parts of Af-

1       ghanistan will once again become safe havens for al-  
2       Qaida, Taliban forces, and drug traffickers.

3           (6) The lack of security and lawlessness may  
4       also perpetuate the need for United States Armed  
5       Forces in Afghanistan and threaten the ability of  
6       the United States to meet its military objectives.

7           (7) The International Security Assistance Force  
8       in Afghanistan, currently led by Turkey, and com-  
9       posed of forces from other willing countries without  
10      the participation of United States Armed Forces, is  
11      deployed only in Kabul and currently does not have  
12      the mandate or the capacity to provide security to  
13      other parts of Afghanistan.

14          (8) Due to the ongoing military campaign in  
15      Afghanistan, the United States does not contribute  
16      troops to the International Security Assistance  
17      Force but has provided support to other countries  
18      that are doing so.

19          (9) The United States is providing political, fi-  
20      nancial, training, and other assistance to the Afghan  
21      Interim Authority as it begins to build a national  
22      army and police force to help provide security  
23      throughout Afghanistan, but this effort is not meet-  
24      ing the immediate security needs of Afghanistan.

1           (10) Because of these immediate security needs,  
2           the Afghan Interim Authority, its Chairman, Hamid  
3           Karzai, and many Afghan regional leaders have  
4           called for the International Security Assistance  
5           Force, which has successfully brought stability to  
6           Kabul, to be expanded and deployed throughout the  
7           country, and this request has been strongly sup-  
8           ported by a wide range of international humani-  
9           tarian organizations, including the International  
10          Committee of the Red Cross, Catholic Relief Serv-  
11          ices, and Refugees International.

12          (11)(A) On January 29, 2002, the President  
13          stated that “[w]e will help the new Afghan govern-  
14          ment provide the security that is the foundation of  
15          peace”.

16          (B) On March 25, 2002, the Secretary of De-  
17          fense stated, with respect to the reconstruction of  
18          Afghanistan, that “the first thing . . . you need for  
19          anything else to happen, for hospitals to happen, for  
20          roads to happen, for refugees to come back, for peo-  
21          ple to be fed and humanitarian workers to move on  
22          the country . . . [y]ou’ve got to have security”.

23          (b) STATEMENT OF POLICY.—It should be the policy  
24          of the United States to support measures to help meet  
25          the immediate security needs of Afghanistan in order to

1 promote safe and effective delivery of humanitarian and  
2 other assistance throughout Afghanistan, further the rule  
3 of law and civil order, and support the formation of a func-  
4 tioning, representative Afghan national government.

5 (c) PREPARATION OF STRATEGY.—Not later than 45  
6 days after the date of the enactment of this Act, and every  
7 six months thereafter, the President shall transmit to the  
8 Committee on International Relations and the Committee  
9 on Appropriations of the House of Representatives and the  
10 Committee on Foreign Relations and the Committee on  
11 Appropriations of the Senate a strategy for meeting the  
12 immediate and long-term security needs of Afghanistan in  
13 order to promote safe and effective delivery of humani-  
14 tarian and other assistance throughout Afghanistan, fur-  
15 ther the rule of law and civil order, and support the forma-  
16 tion of a functioning, representative Afghan national gov-  
17 ernment.

18 **SEC. 207. SUNSET.**

19 The authority of this title shall expire after December  
20 31, 2004.



1 **TITLE III—ADDITIONAL RE-**  
2 **QUIREMENTS WITH RESPECT**  
3 **TO ASSISTANCE FOR AFGHAN-**  
4 **ISTAN**

5 **SEC. 301. PROHIBITION ON UNITED STATES INVOLVEMENT**  
6 **IN POPPY CULTIVATION OR ILLICIT NAR-**  
7 **COTICS GROWTH, PRODUCTION, OR TRAF-**  
8 **FICKING.**

9 No officer or employee of any Federal department or  
10 agency who is involved in the provision of assistance under  
11 this Act may knowingly encourage or participate in poppy  
12 cultivation or illicit narcotics growth, production, or traf-  
13 ficking in Afghanistan. No United States military or civil-  
14 ian aircraft or other United States vehicle that is used  
15 with respect to the provision of assistance under this Act  
16 may be used to facilitate the distribution of poppies or  
17 illicit narcotics in Afghanistan.

18 **SEC. 302. REQUIREMENT TO REPORT BY CERTAIN UNITED**  
19 **STATES OFFICIALS.**

20 (a) REQUIREMENT.—An officer or employee of any  
21 Federal department or agency involved in the provision of  
22 assistance under this Act and having knowledge of facts  
23 or circumstances that reasonably indicate that any agency  
24 or instrumentality of the Government of Afghanistan, or  
25 any other individual (including an individual who exercises

1 civil power by force over a limited region) or organization  
2 in Afghanistan, that receives assistance under this Act is  
3 involved in poppy cultivation or illicit narcotics growth,  
4 production, or trafficking shall, notwithstanding any  
5 memorandum of understanding or other agreement to the  
6 contrary, report such knowledge or facts to the appro-  
7 priate official.

8 (b) DEFINITION.—In this section, the term “appro-  
9 priate official” means the Attorney General, the Inspector  
10 General of the Federal department or agency involved, or  
11 the head of such department or agency.

12 **SEC. 303. REPORT BY THE PRESIDENT.**

13 Not later than 6 months after the date of the enact-  
14 ment of this Act, and annually thereafter, the President  
15 shall transmit to Congress a written report on the  
16 progress of the Government of Afghanistan toward the  
17 eradication of poppy cultivation, the disruption of heroin  
18 production, and the reduction of the overall supply and  
19 demand for illicit narcotics in Afghanistan in accordance  
20 with the provisions of this Act.

